THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.17820 of 2006

Dated: 25th August, 2006

Between :-

Mohd. Ghalib .. Petitioner

And

The Municipal Corporation of Hyderabad,
Hyderabad, represented by its Commissioner .. Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.17820 of 2006

ORDER:-

The Writ Petition is filed for a Writ of Mandamus declaring the notice issued by the respondent under Section 636 of the Hyderabad Municipal Corporation Act, 1955 in Lr.No.42/ACP/C2/MCH/2006, dated 18-6-2006 on the ground that the suit in O.S.No.6108/2005 on the file of the II Junior Civil Judge, City Civil Court, Hyderabad was dismissed and as such the premises bearing No.20-4-20/9/1, Panch Mohalla, Hyderabad, has to be removed, as arbitrary, illegal, non-application of mind, violative of principles of natural justice, violative of the Fundamental Right guaranteed under Article 19 and the Constitutional right guaranteed under Article 300-A of the Constitution of India and consequently set aside the same and pass such other suitable orders.

It is stated that notice was issued by the petitioner to the respondent on 25-7-2006. It is also stated that a notice was issued by the respondent to petitioner on 18-6-2006 directing removal of premises bearing No.20-4-20/9/1 Panch Mohalla, Hyderabad. It is also stated that on 12-9-2005 notice was issued under Section 452 of the Hyderabad Municipal Corporation Act, 1955. Several other details regarding purchase and other particulars

also had been mentioned. The mere grievance of the petitioner is that in the reference it is shown that the City Civil Court case O.S.No.6108/2005 had been dismissed. It is brought to the notice of this Court that in fact the suit is pending. It is also stated that though specific objections had been raised dated 25-7-2006 and though the respondent had received the same, without considering such objections, the respondent is further proceeding with demolition activity. In the light of the facts which had been narrated in detail, this Court is of the considered opinion that the petitioner to be given an opportunity in the light of the objections raised by him. Hence, the impugned notice to be treated as show cause notice and inasmuch as objections already had been filed, the respondent to consider the objections and take appropriate decision in this regard as early as possible and till then not to proceed with the further demolition activity. Accordingly, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

25th August, 2006

smr